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LEGISLATIVE COUNCIL
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97TH CONGRESS
1ST SESSION

H. R. 3518

To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 12, 1981

Mr. FASCELL (for himself, Mr. BINGHAM, Mr. YATRON, Mr. BONKER, Mr. SOLARZ, Mr. MICA, Mr. WOLPE, Mr. BARNES, Mr. BROOMFIELD, Mr. DERWINSKI, Mr. PRITCHARD, and Mr. LEACH of Iowa) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—DEPARTMENT OF STATE

4 SHORT TITLE

5 SEC. 101. This title may be cited as the "Department of
6 State Authorization Act, Fiscal Years 1982 and 1983".

1 **AUTHORIZATIONS OF APPROPRIATIONS**

2 **SEC. 102.** There are authorized to be appropriated for
3 the Department of State to carry out the authorities, func-
4 tions, duties, and responsibilities in the conduct of the foreign
5 affairs of the United States and other purposes authorized by
6 law, the following amounts:

7 (1) For "Administration of Foreign Affairs",
8 \$1,318,754,000 for the fiscal year 1982 and
9 \$1,744,391,000 for the fiscal year 1983.

10 (2) For "International Organizations and Confer-
11 ences", \$563,806,000 for the fiscal year 1982 and
12 \$554,436,000 for the fiscal year 1983.

13 (3) For "International Commissions",
14 \$22,508,000 for the fiscal year 1982 and \$24,759,000
15 for the fiscal year 1983.

16 (4) For "Migration and Refugee Assistance",
17 \$553,100,000 for the fiscal year 1982 and
18 \$555,600,000 for the fiscal year 1983.

19 **PALESTINIAN RIGHTS UNITS**

20 **SEC. 103.** Funds appropriated under paragraph (2) of
21 section 102 of this Act may not be used for payment by the
22 United States, as its contribution toward the assessed budget
23 of the United Nations for any year, of any amount which
24 would cause the total amount paid by the United States as its

1 assessed contribution for that year to exceed the amount as-
2 sessed as the United States contribution for that year less—

3 (1) 25 per centum of the amount budgeted for that
4 year for the Committee on the Exercise of the Inalien-
5 able Rights of the Palestinian People (or any similar
6 successor entity), and

7 (2) 25 per centum of the amount budgeted for that
8 year for the Special Unit on Palestinian Rights (or any
9 similar successor entity).

10. EX GRATIA PAYMENT

11 SEC. 104. Of the amount appropriated for the fiscal year
12 1982 under paragraph (1) of section 102 of this Act, \$81,000
13 shall be available for payment ex gratia to the Government of
14 Yugoslavia as an expression of concern by the United States
15 Government for the injuries sustained by a Yugoslav national
16 as a result of an attack on him in New York City.

17 ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

18 SEC. 105. Of the amounts authorized to be appropriated
19 by paragraph (4) of section 102 of this Act, \$12,500,000 for
20 the fiscal year 1982 and \$15,000,000 for the fiscal year
21 1983 shall be available only for assistance for the resettle-
22 ment in Israel of refugees from the Union of Soviet Socialist
23 Republics and from Communist countries in Eastern Europe.

1 BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

2 SEC. 106. In addition to the amounts authorized to be
3 appropriated by section 102 of this Act, there are authorized
4 to be appropriated to the Secretary of State \$3,700,000 for
5 the fiscal year 1982 and \$3,700,000 for the fiscal year 1983
6 for payment of the United States share of expenses of the
7 science and technology agreements between the United
8 States and Yugoslavia and between the United States and
9 Poland.

10 CURRENCY FLUCTUATIONS

11 SEC. 107. (a) Section 24(b) of the State Department
12 Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), is amend-
13 ed to read as follows:

14 “(b)(1) In order to maintain the levels of program activi-
15 ty provided for each fiscal year by the annual authorizing
16 legislation for the Department of State, there are authorized
17 to be appropriated for the Department such sums as may be
18 necessary to offset adverse fluctuations in foreign currency
19 exchange rates, or overseas wage and price changes, which
20 occur after November 30 of the calendar year preceding the
21 enactment of the authorizing legislation for such fiscal year.

22 “(2) In order to eliminate substantial gains to the ap-
23 proved levels of overseas operations, the Secretary of State
24 may transfer to the appropriation account established under
25 paragraph (1) of this subsection such amounts in other appro-

1 priation accounts under the heading 'Administration of For-
2 eign Affairs' as the Secretary determines are excessive to the
3 needs of the approved level of operations because of fluctu-
4 ations in foreign currency exchange rates or changes in over-
5 seas wages and prices.

6 “(3) Funds transferred from the appropriation account
7 established under paragraph (1) shall be merged with and be
8 available for the same purpose, and for the same time period,
9 as the appropriation account to which transferred; and funds
10 transferred to the appropriation account established under
11 paragraph (1) shall be merged with and available for the pur-
12 poses of that appropriation account until expended. Any re-
13 striction contained in an appropriation Act or other provision
14 of law limiting the amounts available for the Department of
15 State that may be obligated or expended shall be deemed to
16 be adjusted to the extent necessary to offset the net effect of
17 fluctuations in foreign currency exchange rates or overseas
18 wage and price changes in order to maintain approved
19 levels.”.

20 (b) Section 704(c) of the United States Information and
21 Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is
22 amended by striking out “preceding” and inserting in lieu
23 thereof “calendar year preceding the enactment of the
24 authorizing legislation for such”.

1 (c) Section 8(a)(2) of the Board for International Broad-
2 casting Act of 1973 (22 U.S.C. 2287(a)(2)) is amended by
3 striking out "preceding" in the first sentence and inserting in
4 lieu thereof "calendar year preceding the enactment of the
5 amendments to paragraph (1) which provide the authoriza-
6 tion for such".

7 (d) The amendments made by this section shall take
8 effect on October 1, 1981.

9 PASSPORT FEES AND PERIOD OF VALIDITY

10 SEC. 108. (a) The first sentence of section 1 under the
11 heading "FEES FOR PASSPORTS AND VISÉS" of the Act of
12 June 4, 1920 (22 U.S.C. 214), is amended to read as follows:
13 "There shall be collected and paid into the Treasury of the
14 United States a fee, prescribed by the Secretary of State by
15 regulation, for each passport issued and a fee, prescribed by
16 the Secretary of State by regulation, for executing each ap-
17 plication for a passport."

18 (b)(1) Section 2 of the Act entitled "An Act to regulate
19 the issue and validity of passports, and for other purposes",
20 approved July 3, 1926 (22 U.S.C. 217a), is amended to read
21 as follows:

22 "SEC. 2. A passport shall be valid for a period of ten
23 years from the date of issue, except that the Secretary of
24 State may limit the validity of a passport to a period of less

1 than ten years in an individual case or on a general basis
2 pursuant to regulation.”.

3 (2) The amendment made by this subsection applies
4 with respect to passports issued after the date of enactment
5 of this Act.

6 DOCUMENTATION OF CITIZENSHIP

7 SEC. 109. The State Department Basic Authorities Act
8 of 1956 is amended by inserting the following new section 33
9 immediately after section 32 and by redesignating existing
10 section 33 as section 34:

11 “SEC. 33. The following documents shall have the same
12 force and effect as proof of United States citizenship as certifi-
13 cates of naturalization or of citizenship issued by the Attor-
14 ney General or by a court having naturalization jurisdiction:

15 “(1) A passport, during its period of validity (if
16 such period is the maximum period authorized by law),
17 issued by the Secretary of State to a citizen of the
18 United States.

19 “(2) The report, designated as a ‘Report of Birth
20 Abroad of a Citizen of the United States’, issued by a
21 consular officer to document a citizen born abroad.”.

22 PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

23 SEC. 110. Paragraph (1) of the first section of the joint
24 resolution entitled “Joint resolution to provide for member-
25 ship of the United States in the Pan American Institute of

1 Geography and History; and to authorize the President to
2 extend an invitation for the next general assembly of the in-
3 stitute to meet in the United States in 1935, and to provide
4 an appropriation for expenses thereof", approved August 2,
5 1935 (22 U.S.C. 273), is amended by striking out ", not to
6 exceed \$200,000 annually,".

7 INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF
8 PRIVATE LAW AND THE HAGUE CONFERENCE ON PRI-
9 VATE INTERNATIONAL LAW

10 SEC. 111. Section 2 of the joint resolution entitled
11 "Joint resolution to provide for participation by the Govern-
12 ment of the United States in the Hague Conference on Pri-
13 vate International Law and the International (Rome) Insti-
14 tute for the Unification of Private Law, and authorizing ap-
15 propriations therefor", approved December 30, 1963 (22
16 U.S.C. 269g-1), is amended by striking out ", except that"
17 and all that follows through "that year".

18 PAN AMERICAN RAILWAY CONGRESS

19 SEC. 112. Section 2(a) of the joint resolution entitled
20 "Joint resolution providing for participation by the Govern-
21 ment of the United States in the Pan American Railway
22 Congress, and authorizing an appropriation therefor", ap-
23 proved June 28, 1948 (22 U.S.C. 280k), is amended by
24 striking out "Not more than \$15,000 annually" and inserting
25 in lieu thereof "Such sums as may be necessary".

1 UNITED STATES REPRESENTATIVE TO INTERNATIONAL
2 ORGANIZATIONS IN VIENNA

3 SEC. 113. Section 2 of the United Nations Participation
4 Act of 1945 (22 U.S.C. 287) is amended by adding at the
5 end thereof the following new subsection:

6 “(h) The President, by and with the advice and consent
7 of the Senate, shall appoint a representative of the United
8 States to the Vienna office of the United Nations with appro-
9 priate rank and status, who shall serve at the pleasure of the
10 President and subject to the direction of the Secretary of
11 State. Such individual shall, at the direction of the Secretary
12 of State, represent the United States at the Vienna office of
13 the United Nations and perform such other functions there in
14 connection with the participation of the United States in in-
15 ternational organizations as the Secretary of State from time
16 to time may direct.”.

17 LIVING QUARTERS FOR THE STAFF OF THE UNITED
18 STATES REPRESENTATIVE TO THE UNITED NATIONS

19 SEC. 114. Section 8 of the United Nations Participation
20 Act of 1945 (22 U.S.C. 287e) is amended—

21 (1) by striking out “representative of the United
22 States to the United Nations referred to in paragraph
23 (a) of section 2 hereof” and inserting in lieu thereof
24 “representatives provided for in section 2 of this Act
25 and of their appropriate staffs”; and

1 (2) by adding at the end thereof the following:
2 “Any payments made by United States Government
3 personnel for occupancy by them of living quarters
4 leased or rented under this section shall be credited to
5 the appropriation, fund, or account utilized by the Sec-
6 retary of State for such lease or rental or to the appro-
7 priation, fund, or account currently available for such
8 purpose.”.

9 AMENDMENTS CORRECTING PRINTING ERRORS

10 SEC. 115. The Foreign Service Act of 1980 is amend-
11 ed—

12 (1) in section 704(b)(2) (22 U.S.C. 4024(b)(2)) by
13 striking out “411” and inserting in lieu thereof “412”;
14 and

15 (2) in section 814(a)(3) (22 U.S.C. 4054(a)(3)) by
16 striking out “on” the second place it appears in the
17 first sentence and inserting in lieu thereof “or”.

18 PRIVATE SECTOR REPRESENTATIVES ON UNITED STATES
19 DELEGATIONS TO INTERNATIONAL TELECOMMUNICA-
20 TIONS MEETINGS AND CONFERENCES

21 SEC. 116. (a) Sections 203, 205, 207, and 208 of title
22 18, United States Code, shall not apply to a private sector
23 representative on the United States delegation to an interna-
24 tional telecommunications meeting or conference who is spe-
25 cifically designated to speak on behalf of or otherwise repre-

1 sent the interests of the United States at such meeting or
2 conference with respect to a particular matter, if the Secre-
3 tary of State (or his designee) certifies that no Government
4 employee on the delegation is as well qualified to represent
5 United States interests with respect to such matter and that
6 such designation serves the national interest. All such repre-
7 sentatives shall have on file with the Department of State the
8 financial disclosure report required for special Government
9 employees.

10 (b) As used in this section, the term "international tele-
11 communications meeting or conference" means the confer-
12 ences of the International Telecommunications Union, meet-
13 ings of its International Consultative Committees for Radio
14 and for Telephone and Telegraph, and such other interna-
15 tional telecommunications meetings or conferences as the
16 Secretary of State may designate.

17 **PROCUREMENT CONTRACTS**

18 **SEC. 117.** The State Department Basic Authorities Act
19 of 1956 is amended by inserting the following new section
20 immediately after section 13:

21 "SEC. 14. (a) Any contract for the procurement of prop-
22 erty or services, or both, for the Department of State or the
23 Foreign Service which is funded on the basis of annual ap-
24 propriations may nevertheless be made for periods not in
25 excess of five years when—

1 “(1) appropriations are available and adequate for
2 payment for the first fiscal year and for all potential
3 cancellation costs; and

4 “(2) the Secretary of State determines that—

5 “(A) the need of the Government for the
6 property or service being acquired over the period
7 of the contract is reasonably firm and continuing;

8 “(B) such a contract will serve the best in-
9 terests of the United States by encouraging effec-
10 tive competition or promoting economies in per-
11 formance and operation; and

12 “(C) such a method of contracting will not
13 inhibit small business participation.

14 “(b) In the event that funds are not made available for
15 the continuation of such a contract into a subsequent fiscal
16 year, the contract shall be cancelled and any cancellation
17 costs incurred shall be paid from appropriations originally
18 available for the performance of the contract, appropriations
19 currently available for the acquisition of similar property or
20 services and not otherwise obligated, or appropriations made
21 for such cancellation payments.”.

22 COMPENSATION FOR DISABILITY OR DEATH

23 SEC. 118. The State Department Basic Authorities Act
24 of 1956 is amended by inserting the following new section
25 immediately after section 15:

1 “SEC. 16. The first section of the Act of August 16,
2 1941 (42 U.S.C. 1651; commonly known as the Defense
3 Base Act) shall not apply with respect to such contracts as
4 the Secretary of State may determine which are contracts
5 with persons employed to perform work for the Department
6 of State or the Foreign Service on an intermittent basis for
7 not more than 90 days in a calendar year.”.

8 REGULATION OF FOREIGN MISSIONS

9 SEC. 119. (a) The State Department Basic Authorities
10 Act of 1956 is amended by striking out “That the Secretary”
11 in the first section and inserting in lieu thereof the following:

12 “TITLE I—BASIC AUTHORITIES GENERALLY

13 “SECTION 1. The Secretary”.

14 (b) That Act is further amended by adding at the end
15 thereof the following:

16 “TITLE II—AUTHORITIES RELATING TO THE
17 REGULATION OF FOREIGN MISSIONS

18 “DECLARATION OF FINDINGS AND POLICY

19 “SEC. 201. (a) The Congress finds that the operation in
20 the United States of foreign missions and public international
21 organizations and the official missions to such organizations,
22 including the permissible scope of their activities and the lo-
23 cation and size of their facilities, is a proper subject for the
24 exercise of Federal jurisdiction.

1 processing of applications or requests relating to
2 public services,

3 “(C) supplies, maintenance, and transporta-
4 tion,

5 “(D) locally engaged staff on a temporary or
6 regular basis,

7 “(E) travel and related services, and

8 “(F) protective services,

9 and includes such other benefits as the Secretary may
10 designate;

11 “(2) ‘chancery’ means the principal offices of a
12 foreign mission used for diplomatic or related purposes,
13 and annexes to such offices (including ancillary offices
14 and support facilities), and includes the site and any
15 building on such site which is used for such purposes;

16 “(3) ‘Director’ means the Director of the Office of
17 Foreign Missions established pursuant to section
18 203(a);

19 “(4) ‘foreign mission’ means any official mission to
20 the United States involving diplomatic, consular, or
21 other governmental activities of—

22 “(A) a foreign government, or

23 “(B) an organization (other than an interna-
24 tional organization, as defined in section 209(b) of
25 this title) representing a territory or political

1 entity which has been granted diplomatic or other
2 official privileges and immunities under the laws
3 of the United States,

4 including any real property of such a mission and in-
5 cluding the personnel of such a mission;

6 “(5) ‘real property’ includes any right, title, or in-
7 terest in or to, or the beneficial use of, any real prop-
8 erty in the United States, including any office or other
9 building;

10 “(6) ‘Secretary’ means the Secretary of State;

11 “(7) ‘sending State’ means the foreign govern-
12 ment, territory, or political entity represented by a for-
13 eign mission; and

14 “(8) ‘United States’ means, when used in a geo-
15 graphic sense, the several States, the District of Co-
16 lumbia, the Commonwealth of Puerto Rico, and the
17 territories and possessions of the United States.

18 “(b) Determinations with respect to the meaning and
19 applicability of the terms used in subsection (a) shall be com-
20 mitted to the discretion of the Secretary.

21 “OFFICE OF FOREIGN MISSIONS

22 “SEC. 203. (a) The Secretary shall establish an Office of
23 Foreign Missions as an independent office within the Depart-
24 ment of State. The Office shall be headed by a Director,
25 appointed by the Secretary, who shall perform his or her

1 functions under the supervision and direction of the Secre-
2 tary. The Secretary may delegate this authority for supervi-
3 sion and direction of the Director only to the Deputy Secre-
4 tary of State or an Under Secretary of State.

5 “(b) The Secretary may authorize the Director to—

6 “(1) assist agencies of Federal, State, and municipi-
7 pal government with regard to ascertaining and ac-
8 cording benefits, privileges, and immunities to which a
9 foreign mission may be entitled;

10 “(2) provide or assist in the provision of benefits
11 for or on behalf of a foreign mission in accordance with
12 section 204; and

13 “(3) perform such other functions as the Secretary
14 may determine necessary in furtherance of the policy of
15 this title.

16 “PROVISION OF BENEFITS

17 “SEC. 204. (a) Upon the request of a foreign mission,
18 benefits may be provided to or for that foreign mission by or
19 through the Director on such terms and conditions as the
20 Secretary may approve.

21 “(b) If the Secretary determines that such action is rea-
22 sonably necessary on the basis of reciprocity or otherwise—

23 “(1) to facilitate relations between the United
24 States and a sending State,

25 “(2) to protect the interests of the United States,

1 “(3) to adjust for costs and procedures of obtain-
2 ing benefits for missions of the United States abroad,
3 or

4 “(4) to assist in resolving a dispute affecting
5 United States interests and involving a foreign mission
6 or sending State,

7 then the Secretary may require a foreign mission (A) to
8 obtain benefits from or through the Director on such terms
9 and conditions as the Secretary may approve, or (B) to
10 comply with such terms and conditions as the Secretary may
11 determine as a condition to the execution or performance in
12 the United States of any contract or other agreement; the
13 acquisition, retention, or use of any real property; or the ap-
14 plication for or acceptance of any benefit (including any bene-
15 fit from or authorized by any Federal, State, or municipal
16 governmental authority, or any entity providing public
17 services).

18 “(c) Terms and conditions established by the Secretary
19 under this section may include—

20 “(1) a requirement to pay to the Director a sur-
21 charge or fee, and

22 “(2) a waiver by a foreign mission (or any as-
23 signee of or person deriving rights from a foreign mis-
24 sion) of any recourse against any governmental author-
25 ity, any entity providing public services, any employee

1 or agent of such an authority or entity, or any other
2 person, in connection with any action determined by
3 the Secretary to be undertaken in furtherance of this
4 title.

5 “(d) For purposes of effectuating a waiver of recourse
6 which is required under this section, the Secretary may des-
7 ignate the Director or any other officer of the Department of
8 State as the agent of a foreign mission (or of any assignee of
9 or person deriving rights from a foreign mission). Any such
10 waiver by an officer so designated shall for all purposes (in-
11 cluding any court or administrative proceeding) be deemed to
12 be a waiver by the foreign mission (or the assignee of or
13 other person deriving rights from a foreign mission).

14 “PROPERTY OF FOREIGN MISSIONS”

15 “SEC. 205. (a)(1) The Secretary may require any for-
16 eign mission to notify the Director prior to any proposed ac-
17 quisition, or any proposed sale or other disposition, of any
18 real property by or on behalf of such mission. If such a notifi-
19 cation is required, the foreign mission (or other party acting
20 on behalf of the foreign mission) may initiate or execute any
21 contract, proceeding, application, or other action required for
22 the proposed action—

23 “(A) only after the expiration of the sixty-day
24 period beginning on the date of such notification (or

1 after the expiration of such shorter period as the Sec-
2 retary may specify in a given case); and

3 “(B) only if the mission is not notified by the Sec-
4 retary within that period that the proposal has been
5 disapproved; however, the Secretary may include in
6 such a notification such terms and conditions as the
7 Secretary may determine appropriate in order to
8 remove the disapproval.

9 “(2) For purposes of this section, ‘acquisition’ includes
10 any acquisition or alteration of, or addition to, any real prop-
11 erty or any change in the purpose for which real property is
12 used by foreign mission.

13 “(b) The Secretary may require any foreign mission to
14 divest itself of, or forego the use of, any real property deter-
15 mined by the Secretary—

16 “(1) not to have been acquired in accordance with
17 this section; or

18 “(2) to exceed limitations placed on real property
19 available to a United States mission in the sending
20 State.

21 “(c) If a foreign mission has ceased conducting diplo-
22 matic, consular, and other governmental activities in the
23 United States and there is not a protecting power or other
24 agent designated by the sending State and approved by the

1 Secretary which is responsible for the property of that foreign
2 mission, the Secretary—

3 “(1) until the designation of a protecting power or
4 other agent approved by the Secretary, may protect
5 and preserve any property of that foreign mission; and

6 “(2) may authorize the Director to dispose of such
7 property at such time as the Secretary may determine
8 after the expiration of the one-year period beginning on
9 the date that the foreign mission ceased those activi-
10 ties, and may remit to the sending State the net pro-
11 ceeds from such disposition.

12 “LOCATION OF FOREIGN MISSIONS

13 “SEC. 206. (a) In order to ensure the fulfillment of the
14 international obligations of the United States and fulfillment
15 of the policy of this title, and to ensure the orderly develop-
16 ment of the national capital, the location, height, bulk,
17 number of stories, and size of any building or other real prop-
18 erty of a foreign mission in the District of Columbia, and the
19 provision for open space in and around any such building or
20 other property, shall be subject to approval by the National
21 Capital Planning Commission (hereafter in this section re-
22 ferred to as the ‘Commission’). This subsection does not
23 apply with respect to a building or other real property of a
24 foreign mission if the Commission determines that the prop-
25 erty will only be used by a party other than a foreign mission

1 and will only be used for activities that do not involve the
2 diplomatic, consular, or other governmental activities of a
3 foreign mission.

4 “(b) Any determination by the Commission pursuant to
5 subsection (a) of this section which involves approval of the
6 location of or a use of real property for a chancery, or in-
7 volves approval of site and building plans for a chancery,
8 shall be considered rulemaking under section 553 of title 5,
9 United States Code, and shall be based solely on the follow-
10 ing criteria:

11 “(1) the Federal interest;

12 “(2) the chancery is in an area (A) of predomi-
13 nantly office use, (B) of mixed use, including residen-
14 tial, commercial, office, or institutional use, (C) of
15 medium or high density residential use, or (D) in rea-
16 sonable proximity to streets on which existing chancer-
17 ies are concentrated;

18 “(3) historic preservation (as determined in ac-
19 cordance with regulations issued by the Commission in
20 carrying out this section);

21 “(4) the extent to which the area will be served
22 by public transit to reduce parking requirements;

23 “(5) the extent to which the area will have ade-
24 quate public facilities, utilities, and services, including

1 streets, street lighting, water, sewer, electricity, tele-
2 phone, and refuse collection;

3 “(6) the area is capable of being adequately pro-
4 tected, as determined by a Federal agency authorized
5 to perform protective services; and

6 “(7) the municipal interest.

7 Any other determination by the Commission with respect to
8 real property of a foreign mission pursuant to subsection (a)
9 of this section shall be based solely on the criteria specified in
10 paragraphs (1), (3), (6), and (7), and such other criteria as the
11 Commission may by regulation establish.

12 “(c) In any proceeding with respect to real property of a
13 foreign mission pursuant to subsection (a) of this section—

14 “(1) a determination by the Secretary as to the
15 Federal interest shall be given substantial weight; and

16 “(2) a determination by the Mayor of the District
17 of Columbia as to the municipal interest shall be given
18 substantial weight.

19 “(d) In any proceeding with respect to real property of a
20 foreign mission pursuant to subsection (a) of this section, the
21 final determination with respect to approval of a location or
22 use or approval of site and building plans shall be made not
23 later than five months after the date of filing an application
24 for such approval.

1 "PREEMPTION

2 "SEC. 207. Notwithstanding any other provision of law,
3 no act of any Federal agency or of any State or municipal
4 governmental authority shall be effective to confer or deny
5 any benefits with respect to any foreign mission contrary to
6 this title.

7 "GENERAL PROVISIONS

8 "SEC. 208. (a) The Secretary may issue such regula-
9 tions as the Secretary may determine necessary to carry out
10 the policy of this title.

11 "(b) Compliance with any regulation, instruction, or di-
12 rection issued by the Secretary under this title shall to the
13 extent thereof be a full acquittance and discharge for all pur-
14 poses of the obligation of the person making the same. No
15 person shall be held liable in any court or administrative pro-
16 ceeding for or with respect to anything done or omitted in
17 good faith in connection with the administration of, or pursu-
18 ant to and in reliance on, this title, or any regulation, instruc-
19 tion, or direction issued by the Secretary under this title.

20 "(c) For purposes of administering this title, the Secre-
21 tary may—

22 "(1) accept details and assignments of employees
23 of Federal agencies to the Office of Foreign Missions
24 on a reimbursable or nonreimbursable basis (with any
25 such reimbursements to be credited to the appropri-

1 ations made available for the salaries and expenses of
2 officers and employees of the employing agency); and

3 “(2) obtain without regard to the provisions of
4 law governing appointments in the competitive service,
5 by appointment or contract (subject to availability of
6 funds), the services of individuals to provide technical
7 and professional services which are not otherwise
8 available and which are required to carry out the func-
9 tions of the Director.

10 “(d) Contracts and subcontracts for supplies or services
11 (except for personal services), made by or on behalf of the
12 Director, shall be made after advertising, in such manner and
13 at such times as the Secretary shall determine to be adequate
14 to ensure notice and opportunity for competition, except that
15 advertisement shall not be required when (1) the Secretary
16 determines that it is impracticable or will not permit timely
17 performance to obtain bids by advertising, or (2) the aggre-
18 gate amount involved in a purchase of supplies or procure-
19 ment of services does not exceed \$10,000. Such contracts
20 and subcontracts may be entered into without regard to laws
21 and regulations otherwise applicable to solicitation, negotia-
22 tion, administration, and performance of government con-
23 tracts. In awarding contracts, the Secretary may consider
24 such factors as relative quality and availability of supplies or

1 services and the compatability of the supplies or services
2 with implementation of this title.

3 “(e) The head of any Federal agency may, for purposes
4 of this title—

5 “(1) transfer or loan any property to, and perform
6 administrative and technical support functions and
7 services for the operations of, the Office of Foreign
8 Missions (with reimbursements to agencies under this
9 paragraph to be credited to the current applicable ap-
10 propriation of the agency concerned); and

11 “(2) acquire and accept services from the Office of
12 Foreign Missions, including (whenever the Secretary
13 determines it to be in furtherance of the purposes of
14 this title) acquisitions without regard to laws normally
15 applicable to the acquisition of services by such
16 agency.

17 “(f) Assets of or under the control of the Office of For-
18 eign Missions, wherever situated, which are used by or held
19 for the use of a foreign mission shall not be subject to attach-
20 ment, execution, injunction, or similar process, whether inter-
21 mediate or final.

22 “(g) Except as otherwise provided, any determination
23 required under this title shall be committed to the discretion
24 of the Secretary. Except as provided in the first sentence of
25 section 206(b), actions taken under the authority of this title

1 shall not be considered rulemaking within the meaning of
2 section 553 of title 5, United States Code.

3 “(h)(1) In order to implement this title, the Secretary
4 may transfer such amounts available to the Department of
5 State as may be necessary to the working capital fund estab-
6 lished by section 13 of this Act.

7 “(2) Notwithstanding any other provision of law, all
8 revenues, including proceeds from gifts and donations, re-
9 ceived by the Director or the Secretary in carrying out this
10 title may be credited to the working capital fund established
11 by section 13 of this Act and shall be available for purposes
12 of this title in accordance with that section.

13 “APPLICATION TO PUBLIC INTERNATIONAL ORGANIZA-
14 TIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZA-
15 TIONS

16 “SEC. 209. (a) The Secretary may make section 206, or
17 any other provision of this title, applicable with respect to an
18 international organization to the same extent that it is appli-
19 cable with respect to a foreign mission if the Secretary deter-
20 mines, after consultation with the international organization,
21 that such application is necessary to carry out the policy set
22 forth in section 201(b) and to further the objectives set forth
23 in section 204(b).

24 “(b) For purposes of this section, ‘international organi-
25 zation’ means—

1 “(1) a public international organization designated
2 as such pursuant to the International Organizations
3 Immunities Act (22 U.S.C. 288-288f-2) or other law
4 authorizing such status; and

5 “(2) an official mission (other than a United
6 States mission) to such a public international organiza-
7 tion,
8 including any real property of such an organization or mis-
9 sion and including the personnel of such an organization or
10 mission.

11 “PRIVILEGES AND IMMUNITIES

12 “SEC. 210. Nothing in this title shall be construed to
13 limit the authority of the United States to carry out its inter-
14 national obligations, or to supersede or limit immunities oth-
15 erwise available by law. No act or omission by any foreign
16 mission, public international organization, or official mission
17 to such an organization, in compliance with this title, shall be
18 deemed to be an implied waiver of any immunity otherwise
19 provided for by law.

20 “ENFORCEMENT

21 “SEC. 211. It shall be unlawful for any person to make
22 available any benefits to a foreign mission contrary to this
23 title. This section shall be enforceable in any appropriate dis-
24 trict court of the United States by injunctive or other equita-
25 ble relief upon application by the Attorney General.

1 (3) Section 4 of such Act (22 U.S.C. 254c) is amend-
2 ed—

3 (A) by inserting “the mission, the” immediately
4 after “immunities for”; and

5 (B) by striking out “of any sending state”.

6 (4) Section 1364 of title 28, United States Code, is
7 amended by striking out “as defined in the Vienna Conven-
8 tion on Diplomatic Relations” and inserting in lieu thereof
9 “within the meaning of section 2(3) of the Diplomatic Rela-
10 tions Act (22 U.S.C. 254a(3))”.

11 (e) The Act of June 20, 1938 (Public Law 684, Seven-
12 ty-Fifth Congress; 52 Stat. 797) is amended—

13 (1) in section 6 by striking out “(a)”, and by strik-
14 ing out subsections (b), (c), (d), and (e); and

15 (2) in section 16 by adding at the end thereof the
16 following new sentence: “In addition, the provisions of
17 this Act shall not apply to any real property to which
18 section 206(a) of the State Department Basic Authori-
19 ties Act of 1956 (relating to foreign missions) is appli-
20 cable.”.

1 TITLE II—INTERNATIONAL COMMUNICATION

2 AGENCY

3 SHORT TITLE

4 SEC. 201. This title may be cited as the “International
5 Communication Agency Authorization Act, Fiscal Years
6 1982 and 1983”.

7 AUTHORIZATIONS OF APPROPRIATIONS

8 SEC. 202. There are authorized to be appropriated for
9 the International Communication Agency \$561,402,000 for
10 the fiscal year 1982 and \$656,505,000 for the fiscal year
11 1983 to carry out international communication, educational,
12 cultural, and exchange programs under the United States In-
13 formation and Educational Exchange Act of 1948, the
14 Mutual Educational and Cultural Exchange Act of 1961, and
15 Reorganization Plan Numbered 2 of 1977, and other pur-
16 poses authorized by law.

17 CHANGES IN ADMINISTRATIVE AUTHORITIES

18 SEC. 203. (a)(1) Title III of the United States Informa-
19 tion and Educational Exchange Act of 1948 (22 U.S.C.
20 1451-1453) is amended—

21 (A) in section 301 by striking out “citizen of the
22 United States” and inserting in lieu thereof “person”;
23 and

24 (B) in sections 302 and 303 by striking out “citi-
25 zen of the United States” and inserting in lieu thereof

1 "person in the employ or service of the Government of
2 the United States".

3 (2) Such title is further amended—

4 (A) in section 301—

5 (i) by striking out "Secretary" the first place
6 it appears and inserting in lieu thereof "Director
7 of the International Communication Agency", and

8 (ii) by striking out "Secretary" the second
9 place it appears and inserting in lieu thereof "Di-
10 rector"; and

11 (B) in section 303 by striking out "Secretary"
12 and inserting in lieu thereof "Director of the Interna-
13 tional Communication Agency".

14 (3) Section 302 of such Act is amended—

15 (A) in the second sentence by striking out "sec-
16 tion 901(3) of the Foreign Service Act of 1946 (60
17 Stat. 999)" and inserting in lieu thereof "section 905
18 of the Foreign Service Act of 1980"; and

19 (B) in the last sentence by striking out "section
20 1765 of the Revised Statutes" and inserting in lieu
21 thereof "section 5536 of title 5, United States Code".

22 (b) Section 802 of such Act (22 U.S.C. 1472) is amend-
23 ed—

24 (1) by inserting "(a)" immediately after "Sec.
25 802."; and

1 (2) by adding at the end thereof the following new
2 subsection:

3 “(b)(1) Any contract authorized by subsection (a) and
4 described in paragraph (3) of this subsection which is funded
5 on the basis of annual appropriations may nevertheless be
6 made for periods not in excess of five years when—

7 “(A) appropriations are available and adequate for
8 payment for the first fiscal year and for all potential
9 cancellation costs; and

10 “(B) the Director of the International Communi-
11 cation Agency determines that—

12 “(i) the need of the Government for the
13 property or service being acquired over the period
14 of the contract is reasonably firm and continuing;

15 “(ii) such a contract will serve the best inter-
16 ests of the United States by encouraging effective
17 competition or promoting economies in perform-
18 ance and operation; and

19 “(iii) such method of contracting will not
20 inhibit small business participation.

21 “(2) In the event that funds are not made available for
22 the continuation of such a contract into a subsequent fiscal
23 year, the contract shall be canceled and any cancellation
24 costs incurred shall be paid from appropriations originally
25 available for the performance of the contract, appropriations

1 currently available for the acquisition of similar property or
2 services and not otherwise obligated, or appropriations made
3 for such cancellation payments.

4 “(3) This subsection applies to contracts for the procure-
5 ment of property or services, or both, for the operation, main-
6 tenance, and support of programs, facilities, and installations
7 for or related to telecommunication activities, newswire serv-
8 ices, and the distribution of books and other publications in
9 foreign countries.”.

10 (c) Paragraph (16) of section 804 of such Act (22
11 U.S.C. 1474(16)) is amended by inserting “and security”
12 immediately after “right-hand drive”.

13 (d) Title VIII of such Act (22 U.S.C. 1471-1475b) is
14 amended by adding at the end thereof the following new
15 section:

16 “ACTING ASSOCIATE DIRECTORS

17 “SEC. 808. If an Associate Director of the International
18 Communication Agency dies, resigns, or is sick or absent, the
19 Associate Director’s principal assistant shall perform the
20 duties of the office until a successor is appointed or the
21 absence or sickness stops.”.

22 (e) Title VIII of such Act is further amended by adding
23 at the end thereof the following new section:

1 “COMPENSATION FOR DISABILITY OR DEATH

2 “SEC. 809. A cultural exchange, international fair or
3 exposition, or other exhibit or demonstration of United States
4 economic accomplishments and cultural attainments, pro-
5 vided for under this Act or the Mutual Educational and Cul-
6 tural Exchange Act of 1961 shall not be considered a ‘public
7 work’ as that term is defined in the first section of the Act of
8 August 16, 1941 (42 U.S.C. 1651; commonly known as the
9 Defense Base Act).”.

10 (f) Section 1011(h) of such Act (22 U.S.C. 1442(h)) is
11 amended by adding at the end thereof the following new
12 paragraph:

13 “(4) Section 701(a) of this Act shall not apply with
14 respect to any amounts appropriated under this section for
15 the purpose of liquidating the notes (and any accrued interest
16 thereon) which were assumed in the operation of the informa-
17 tional media guaranty program under this section and which
18 were outstanding on the date of enactment of this
19 paragraph.”.

20 DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM
21 ENTITLED “REFLECTIONS: SAMUEL ELIOTT MORI-
22 SON”

23 SEC. 204.(a) Notwithstanding the second sentence of
24 section 501 of the United States Information and Educa-
25 tional Exchange Act of 1948 (22 U.S.C. 1461)—

1 (1) the Director of the International Communica-
2 tion Agency shall make available to the Administrator
3 of General Services a master copy of the film entitled
4 “Reflections: Samuel Elliott Morison”; and

5 (2) the Administrator shall reimburse the Director
6 for any expenses of the Agency in making that master
7 copy available, shall secure any licenses or other rights
8 required for distribution of that film within the United
9 States, shall deposit that film in the National Archives
10 of the United States, and shall make copies of that film
11 available for purchase and public viewing within the
12 United States.

13 (b) Any reimbursement to the Director pursuant to this
14 section shall be credited to the applicable appropriation of the
15 International Communication Agency.

16 **TITLE III—BOARD FOR INTERNATIONAL**
17 **BROADCASTING**

18 **SHORT TITLE**

19 **SEC. 301.** This title may be cited as the “Board for
20 International Broadcasting Authorization Act, Fiscal Years
21 1982 and 1983”.

22 **AUTHORIZATIONS OF APPROPRIATIONS**

23 **SEC. 302.** Subparagraph (A) of section 8(a)(1) of the
24 Board for International Broadcasting Act of 1973 (22 U.S.C.
25 2877(a)(1)(A)) is amended to read as follows:

1 “(A) \$100,300,000 for the fiscal year 1981,
2 \$98,317,000 for the fiscal year 1982, and
3 \$115,031,000 for the fiscal year 1983; and”.

4 **TITLE IV—MISCELLANEOUS PROVISIONS**

5 **INTER-AMERICAN FOUNDATION**

6 **SEC. 401. (a)** The first sentence of section 401(s)(2) of
7 the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is
8 amended by striking out “\$25,000,000 for each of the fiscal
9 years 1979 and 1980” and inserting in lieu thereof
10 “\$12,000,000 for the fiscal year 1982 and \$20,000,000 for
11 the fiscal year 1983”.

12 **(b)** Section 401(h) of that Act (22 U.S.C. 290f(h)) is
13 amended by striking out “actual and necessary expenses not
14 in excess of \$50 per day, and for transportation expenses”
15 and inserting in lieu thereof “travel expenses, including per
16 diem in lieu of subsistence, in accordance with section 5703
17 of title 5, United States Code”.

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